



MONTANA STATE HOSPITAL POLICY AND PROCEDURE

GIFTS, SALES, TRADES, AND SOLICITATION

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Policy #: TX-06

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I. PURPOSE:

- A. To establish guidelines for **buying, selling, trading** of personal property and **gift giving** between employees, between employees and patients, and between patients.
- B. To set guidelines for **gift giving/receiving** between employees and patients' families and between employees and vendors

II. POLICY:

- A. To prevent and protect individuals from impropriety or the appearance of impropriety due to buying, selling, or trading of items and giving/receiving gifts.
- B. To prevent exploitation of patients and employees.
- C. To prevent damage of the therapeutic patient/staff relationship and to protect patients and their belongings.

III. DEFINITIONS:

- A. Employee – Refers to any temporary or permanent employee, or volunteer of the state of Montana and an employee under contract to the state.
- B. Private Business Activity – The sale of any item for private business purposes.

IV. RESPONSIBILITIES:

- A. The Business Office is responsible for:
 - 1. Managing any and all donations to the hospital or patients,
 - 2. Accounting for and documenting receipt of donations,
 - 3. Preparing thank you letters noting acceptance of the donation by the hospital,
 - 4. Receiving requests from hospital departments for items needed by patients for future donations,
 - 5. Distributing donated items for patient use, and
 - 6. Authorizing purchase of items for patient use from donated funds only after approval of the Management Teams during budget meetings. Approval is not required for purchase of directed donations.
- B. Treatment Teams will monitor and approve all gifts, sales, and trades between patients.
- C. Supervisors will ensure staff consistently adhere to this policy.

D. All employees are responsible for following this policy.

V. PROCEDURE:

A. Gifts, Sales, Trades, Solicitation *Between Employees:*

1. Employees may not give or receive gifts of substantial value, or substantial economic benefit tantamount to a gift
 - a) that would tend to improperly influence a reasonable person in the person's position to depart from the faithful and impartial discharge of the person's duties; or
 - b) that the person knows, or that a reasonable person in that position should know, under the circumstances, is primarily for the purpose of rewarding the person for action taken.
2. Sales, Trades, and Solicitation:
 - a. Employees must not engage in private business activity at Montana State Hospital.
 - b. Solicitation for the purpose of raising funds for non-profit charitable organizations will be allowed with prior approval from the Director of the Department to which the employee is assigned and the Hospital Administrator.
 - c. Employees who receive approval to solicit on hospital property must confine their activities to non-duty time. Employee solicitation must not interfere with the operation of the hospital.

B. Gifts, Sales, and Trades *Between Employees and Patients/Patients' Families/Vendors :*

1. Gifts from employees to patients
 - a. No employee may directly give any patient a gift (regardless of the value).
 - b. An employee may donate items for patient use to the Business Office.
 - c. When a specific need is identified for a patient, the treatment team may contact the Business Office to request needed items.
 - d. If the item is available, the Business Office will provide it to the patient.
 - e. The patient will be told that it is from the Business Office. At no time is the patient to be told the source of donations.
2. Employees accepting gifts from patients
 - a. An employee may not accept gifts from a patient, a patient's family member, or from a vendor. The gift should be refused tactfully and the patient, family member, or vendor informed that accepting gifts is against policy.

- b. Employees must not accept money (cash, checks, etc.) from patients, former patients, patient's families, or vendors under **any** circumstances. All donations to Montana State Hospital must be made through the Business Office.
 - c. If a patient, family member, or vendor chooses to give a gift or donate items to the hospital, there will be an accompanying letter identifying the item(s) to the hospital or designated program. Employees shall direct the individual to the Business Office who will work with the individual regarding their donation.
 - d. When former patient's, members of a patient's family, or vendors offer gifts to a group of staff (flowers, cards, box of candy) acceptance is allowed subject to the reporting and approval of the employee group's Department Director.
3. Purchases and Trades between patients and employees - No employee will directly purchase, sell, or trade any item to patients. However, employees may purchase items from patients through hospital-organized patient rehabilitation programs in which the patients are marketing products they produce at the hospital.

C. Gifts, Sales, and Trades Between Patients:

Buying, selling trading of personal possessions and gift giving of valuable items (watch, jewelry, radios, CD's, etc.) between patients will be discouraged. However, in rare instances, patients may request approval from their respective treatment teams to buy, sell, or trade personal items with another patient. Buying, selling, and trading will only be allowed between patients who are able to make competent decisions about possessions and money.

1. Patients requesting to sell or trade personal items will contact a staff person to assist the patients to document the sale or trade in writing.
2. A request memo will be written to the treatment team to specify the following:
 - names of the patients in the transaction,
 - what items will be sold or traded,
 - approximate value of the item(s) sold, and
 - projected date of the transaction.
3. The Team Leader or Nurse Manager will review the memo, recommend any changes, and present the proposal to the treatment team of the patient who is requesting the sale or trade.
4. The treatment team will review the proposed sale or trade and determine approval or disapproval.
5. If the treatment team approves the sale or trade, an approval memo will be written to the patients involved in the transaction. Copies of this memo will be placed in the medical record.

